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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,948	08/28/2003	Floyd C. Green III	22914.00	7141
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LITMAN LAW OFFICES, LTD PO BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			EXAMINER SINGH, RAMNANDAN P	
			ART UNIT 2646	PAPER NUMBER
DATE MAILED: 11/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,948

Applicant(s)

GREEN, FLOYD C.

Examiner

Ramnandan Singh

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment to the specification filed on Jun. 30, 2005 is objected to because of the following informalities:

On page 2, line 12, "Please replace the paragraph at page **10**, line 11". This is in error. Replace "page **10**" with "page 9".

On page 3, line 2, "party will **here**". Replace the word "here" with "hear".

Response to Arguments

2. Applicant's arguments filed on Jun. 30, 2005 have been considered but are moot in view of the new ground(s) of rejection.

3. **Status of Claims**

Claims 1, 2 and 11 are amended.

Claim 6 is cancelled.

Claims 1-5 and 7-12 are pending.

Claim Objections

4. Claim 7 is objected to because of the following informalities:

Claim 7 recites "wherein **the said** transmit circuit" in lines 1-2.

Delete either "the" or "said".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "whereby audio, generated by the audio means, **may** be heard by a user" on page 4, line 15. In the claim, the use of the word "**may**" is indefinite. A similar thing holds for claim 11.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Patton [US 20050037742 A1].

Regarding claim 1, Patton teaches a multifunction telephone shown in Fig. 1, comprising:

- transmit circuit means for transmitting telephony signals [Fig. 2;
- receive circuit means for receiving telephony signals [Fig. 2];
- a microphone (50) electrically connect to the transmit circuit means [Para: 0017];
- a speaker (60) electrically connected to the receive circuit means;
- a keypad (40) electrically connected to said transmit circuit means and the receive circuit means for entering control signals [Para: 0018];
- audio means (55) for selecting and generating audio from a plurality of sources [Para: 0024-0025; 0034];
- the audio means coupled to the transmit circuit means, the transmit circuit means simultaneously transmitting audio generated from the audio means upon telephonic communications [Para: 0012; 0015; Abatract]; and
- muting means (i.e. disabling or interrupting) for controlling the injection of the audio means into the speaker and into the transmit circuit means, the means for controlling including volume and mute controls [Para: 0031; 0034; 0018];
- whereby audio, generated by the audio means, may be heard by a user of the telephone and by a telephonically connected user [Para: 0025; Figs. 1-3].

Claim 11 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding claim 2, Patton further teaches the multifunction telephone, wherein the means for controlling includes a microprocessor means (56) and a circuit (54) for interpreting and implementing muting options selected by the user [Figs. 2-3; Para: 0031; 0034; 0018].

Regarding claim 7, Patton further teaches the multifunction telephone, wherein the transmit circuit means and the receive circuit means are configured for wireless cellular telephone communications [Para: 0029; 0004; claim 17].

Regarding claim 8, Patton further teaches the multifunction telephone, wherein the multifunction telephone further includes a base module housing the transmit circuit means and the receive circuit means, a handset removably attached to the base module, and a cable electrically connected to the base module and adapted for connection to a telephone network [Para: 0014].

Regarding claim 9, Patton further teaches the multifunction telephone, wherein the handset is a cordless handset, electronically communicating with the base module over a wireless electronic medium [Para: 0004; 0029].

Regarding claim 10, Patton further teaches the multifunction telephone, wherein the audio means is disposed in the base module [Para: 0014].

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 3-5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton as applied to claims 1 and 11 above, and further in view of Stamegna [US 6,085,078].

Regarding claim 3, although Patton teaches providing various types of services including general packet radio service [Para: 0015], he does not teach expressly a radio receiver. However, a telephone with a radio receiver is well-known in the art.

Stamegna teaches an audio system for a car that includes an AM/FM radio, cassette player, CD player, or combination of these and a detachable cellular telephone wherein the tuning of the radio receiver to a particular wireless station is an associated feature of the radio operation [Abstract; Figs. 1-3; col. 1, lines 59-67; col. 2, lines 44-56; col. 3, lines 9-22col. 4, line 36 to col.8, line 35].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the radio receiver of Stamegna with Patton in order to update the users with the latest information such as news, etc.

Regarding claims 4-5 and 12, the limitations are shown above.

11. Claims 1, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Freedland [US 6,148,175] or Choi [US 20030014246 A1] in view of Stamegna [US 6,085,078].

Regarding claim 1, Freedland teaches a multifunction telephone, as shown in Fig. 1, comprising:

an audio means configured and arranged to transmit an audio signal [Fig. 1; col. 3, lines 6-27; col. 4, lines 26-41; col. 5, lines 38-45; col. 7, lines 10-14]; and

an audio effects generator coupled to the telephone and configured and arranged to produce at least one user-initiated audio effect that is transmitted as part of the audio signal of telephonic communication [Fig. 1; col. 1, lines 5-20; col. 1, lines 51-61; col. 3, line 61 to col. 4, line 10; col. 4, line 66 to col. 5, line 22].

Regarding claim 1, Choi teaches a multifunction telephone, as shown in Fig. 2, comprising:

an audio means configured and arranged to transmit an audio signal [Fig. 2; Para: 0032-0033]; and

an audio effects generator comprising a voice modulation unit (20) and audio processor (30) coupled to the telephone (40) and configured and arranged to produce at least one user-initiated audio effect that is transmitted as part of the audio signal [Figs. 2-5; Para: 0038-0049; 0052; 0060; 0062; claims 1-5; Abstract].

Neither Freedland nor Choi teach explicitly a microphone, a speaker, a keypad and volume and mute controls.

Stamegna teaches an audio system for a car that includes an AM/FM radio, cassette player, CD player, or combination of these and a detachable cellular telephone wherein the tuning of the radio receiver to a particular wireless station is an associated feature of the radio operation [Abstract; Figs. 1-3; col. 1, lines 59-67; col. 2, lines 44-56; col. 3, lines 9-22; col. 4, line 36 to col.8, line 35]. In addition he teaches a microphone, a speaker, a keypad for controlling the operation of the audio system [col. 7, lines 17-24; claims 2 and 3]. Further, he selectively connects and disconnects audio sources [col. 7, line 31 to col. 8, line 4], Also he teaches providing volume and mute (i.e. inhibits) controls [col. 3, lines 44-56; col. 6, lines 5-33; col. 3, lines 9-22].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Stamegna with either Freedland or Choi in order to provide an integrated audio system and to thereby eliminate duplication and reduce cost and complexity of the audio system [Stamegna; col. 1, line 61 to col. 2, line 4].

Claim 11 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding claim 7, Freedland further teaches the device, wherein the telephone is a wireless telephone [col. 3, lines 18-27; col. 4, lines 26-41; col. 7, lines 10-14].

Regarding claim 7, Choi further teaches the device, wherein the telephone is a wireless telephone [Para: 0016; 0018; 0051; claims 1, 8].

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Henderson [US 6,683,938 B1] teaches transmitting background audio during a telephone call [Abstract; Figs. 1-6]; and

(ii) Brennan [US 5,903,628] teaches mixing audio effects with audio signals [Fig. 4; col. 5, lines 12-35].

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh
Examiner
Art Unit 2646



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SUPERVISORY PATENT EXAMINER